

REMARKS

Claims 1, 2, 5, 7 and 9-13 are pending in the above-identified application.

Issues under 35 USC 103(a)

Claims 1, 2, 5, 9-11 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Urano '910 (USP 5,695,910) in view of Niki '281 (USP 5,744,281) and Zampini '379 (USP 6,858,379).

Claim 9 has been rejected under 35 USC 103(a) as being unpatentable over Urano '910 in view of Niki '281 and Zampini '379, and further in view of Huang '078 (USP 5,712,078) and Renner '605 (USP 4,371,605).

The above-noted rejections are traversed for the follow reasons.

Zampini '379 Does Not Qualify as Prior Art

In both of the above-noted rejections, Zampini '379 is relied upon for the disclosure therein at column 2, lines 39-45. However, the earliest effective prior art date of Zampini '379 is either the non-provisional application filing date of March 20, 2002 or the provisional application filing date of March 22, 2001. In either case Zampini '379 does not have an effective prior art date earlier than the filing date of the application upon which the patent of the present reissue application was filed, i.e. April 28, 2000. Therefore, Zampini '379 fails to qualify as prior art under 35 USC 102 or 103 such that Zampini '379 can not be used as a basis for the above-noted rejections.

Because Zampini '379 is required as a basis for the above-noted rejections, i.e. a basis for combining the Urano '910 and Niki '281 references together, these rejections can not be maintained and must be withdrawn. In addition, it is noted that Urano '910 fails to disclose or suggest the use of a pyridine compound as in component (c) of the composition of Niki '281; and

Niki '281 fails to disclose or suggest the use of a special anthracene derivative as in component (c) of the composition of Urano '910. These inconsistent features undermine the attempt to combine the Urano '910 and Niki '281 references together. The other two cited references are farther removed from the present invention and fail to make up for the deficiencies of the present rejections.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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